

1 HONORABLE PAUL B SNYDER  
2 HEARING DATE: February 19, 2009  
3 TIME: 1:00 pm  
4 RESPONSE DATE: February 12, 2009  
5 CHAPTER 13  
6 TACOMA, WA

7 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
8 WESTERN DISTRICT COURT OF WASHINGTON**

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<b>Re</b>	)	<b>In Chapter 13 Proceeding</b>
<b>JOHN A ALEXANDER</b>	)	<b>No. 07-40277</b>
<b>Debtor(s)</b>	)	<b>Notice of Hearing and Motion Modify to Amended Chapter 13 Plan Filed 1/24/09 &amp; Forgive Arrears &amp; Additional Attorney Fees</b>
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TO: Clerk of Court, U.S. Trustee; Debtor(s); Chapter 13 Trustee, all creditors

Please take note that the issue of law in this case will be heard on the date below and the Clerk is requested to note this issue on the motion docket for that day.

HEARING DATE: February 19, 2009 TIME: 1:00 pm

PLACE: 1717 Pacific Ave JUDGE: Paul B Snyder  
Courtroom H  
Tacoma, WA 98402

IF YOU OPPOSE the Motion, you must file your written response with the Court Clerk, serve two copies on the Judge's chambers, serve one copy on the undersigned attorney, and serve one copy of your response on each of the persons set forth on the Certificate of Service attached hereto, NO LATER THAN THE RESPONSE DATE, which is February 12, 2009

IF NO RESPONSE IS TIMELY FILED AND SERVED, THE COURT MAY, IN ITS DISCRETION, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, AND STRIKE THE HEARING.

Dated: January 24, 2009

/s/ Ellen Ann Brown

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Susan H. Seelye, WSB 28825  
Ellen A. Brown, WSB 27992  
Attorney(s) for Debtor(s)

NOTICE OF HEARING AND MOTION FOR  
APPROVAL OF CHAPTER 13 MODIFIED PLAN 1

BROWN and SEELYE PLLC  
744 South Fawcett Ave.  
Tacoma, WA 98402  
253-573-1958

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2 **MOTION TO MODIFY CHAPTER 13 PLAN, FORGIVE ARREARS AND AWARD ADDITIONAL**

3 **ATTORNEY FEES**

4 COMES NOW the Debtor(s), by and through their attorneys of record, the law offices  
5 of BROWN AND SEELYE PLLC, and move the Court for an order confirming the Debtor's Modified  
6 Amended Chapter 13 Plan filed 1/24/09 as follows.

7 Case Information: This case was filed on 1/13/07 and has been confirmed.

8 Reason for Amendment: The Plan is Modified to reflect the Debtor's current  
9 financial situation and to surrender the home. Schedule J has been amended to reflect the Debtor's  
10 financial situation.

11 How Creditors will be affected: Unsecured creditors will receive less of a distribution  
12 through the Modified Plan and are expected to receive no future payments.

13 Forgive Arrears: Debtors request that \$9875.00 in arrears be forgiven in order to  
14 bring the plan current.

15 Attorney Fees: Attorney fees are requested in the amount of \$500.00 for 1 hour  
16 meeting with the Debtors and preparing amended Plan on 1/21/09 and for 1 hour for preparation of this  
17 motion and order and filing with the court on 1/24/09. Attorney fees are billed at \$250.00 per hour. Costs  
18 are requested in the amount of \$22.94 for copying and postage.

WHEREFORE, Debtor(s) move this Court for an Order Modifying the Chapter 13 Plan to the Amended Plan filed 1/24/09, forgiving arrears in the amount of \$9875.00 and awarding additional attorney fees and costs.

RESPECTFULLY SUBMITTED January 24, 2009

**BROWN AND SEELYE PLLC**  
Attorneys for Debtors

/s/ Ellen Ann Brown

**Ellen Ann Brown WSB27992**

**CERTIFICATE OF SERVICE**

**THE UNDERSIGNED hereby certifies:**

On the date set forth below, I caused to be delivered by the method indicated below, a true and correct copy of **NOTICE OF HEARING AND MOTION TO MODIFY PLAN TO AMENDED PLAN FILED 1/24/09, PROPOSED ORDER, AND AMENDED PLAN FILED 1/24/09** properly addressed to the debtor(s) and each of the following:

**ELECTRONIC NOTICED**

**FIRST CLASS MAIL TO:**

David M. Howe  
Chapter 13 Trustee  
PO BOX 1255  
Tacoma, WA 98401

Office of the U.S. Trustee  
1200 Sixth Ave. #600  
Seattle, WA 98101

all parties who are listed on  
the ECF mailing matrix

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed at Tacoma, Washington on January 24, 2009

/s/ Ellen Ann Brown

Ellen Ann Brown  
Attorney at Law

**NOTICE OF HEARING AND MOTION FOR  
APPROVAL OF CHAPTER 13 MODIFIED PLAN**

**BROWN and SEELYE PLLC**  
744 South Fawcett Ave.  
Tacoma, WA 98402  
253-573-1958